

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DAVID GECHT,

Plaintiff,

v.

REYNALDO GUEVARA, *et al.*,

Defendants.

Case No. 23-cv-01742

Hon. Lindsay C. Jenkins

United States District Judge

Magistrate Hon. Heather K. McShain

RICHARD KWIL,

Plaintiff,

v.

REYNALDO GUEVARA, *et al.*,

Defendants.

Case No. 23-cv-04279

Hon. Lindsay C. Jenkins

United States District Judge

Magistrate Hon. Heather K. McShain

**COUNTY DEFENDANTS' AGREED MOTION TO STRIKE
THEIR RESPONSIVE PLEADING DEADLINE AND STAY BRIEFING
ON THEIR MOTIONS TO DISMISS PLAINTIFFS' REMAINING CLAIMS**

Now come Defendants Honorable Michael J. Hood and Brendan McGuire (collectively "ASA Defendants"), by and through their attorneys, O'MARA & O'CALLAGHAN, LLC, along with Cook County (collectively "County Defendants"), by and through its attorney Cook County State's Attorney Eileen O'Neill Burke, through her Assistant State's Attorney Kelli Huntsman, and respectfully request, by agreement, for this Court to enter an order to strike County Defendants' responsive pleading deadline and to stay briefing on the pleading responsive to Plaintiff Gecht's and Plaintiff Kwil's remaining claims. In support thereof, County Defendants state as follows:

1. On September 26, 2024, this Court granted in part and denied in part County

Defendants' motions to dismiss the then-operative Complaints of Plaintiffs Gecht and Kwil (collectively "Plaintiffs"). ECF No. 171-72;¹ *Kwil*, ECF No. 96-97.

2. Since that time, Plaintiffs have not filed amended claims against County Defendants, and County Defendants' pleadings responsive to Plaintiffs' remaining claims are presently due March 7, 2025. ECF No. 199; *Kwil*, ECF No. 120.

3. As this Court is aware, Plaintiffs have entered into settlement agreements to "settle all claims against the County Defendants" and that "Plaintiffs' claims against the County Defendants will be dismissed with prejudice upon the Court's finding of good faith." *See* ECF No. 181-1, at ¶14 (reiterating that if the Court finds that the settlement agreement was entered in good faith, the Plaintiff will file stipulation to dismiss County Defendants); *Kwil*, ECF No. 106-1, at ¶14 (same).

4. The motions for this Court's finding of good faith regarding the settlement agreements have been filed and fully-briefed, pending review and ruling by this Court. ECF No. 181, 190, 196; *Kwil*, ECF No. 106, 115, 117.

5. Based on the existence of executed settlement agreements in the *Gecht* and *Kwil* matters and the fully-briefed motions for good-faith finding, after entry of which the claims against County Defendants will be dismissed, County Defendants respectfully request this Court to strike the deadline for County Defendants to respond to Plaintiffs' remaining claims and stay briefing on any responsive pleading, pending resolution of the motion for good-faith finding.

6. On March 7, 2025, counsel for ASA Defendants conferred with Plaintiffs' counsels, who indicated that Plaintiffs agree with the request.

7. The aforementioned request is not meant to frustrate the Court's schedule or delay

¹ Unless otherwise stated, the docket citations herein refer to the docket in the above-captioned *Gecht* matter.

the resolution of this matter; rather, this proposal would allow time for this Court to consider a finding of good-faith for the settlement agreements, which (if granted) would make any responsive pleading moot. Further, the proposal would also limit the unnecessary use of time and resources of this Court to review answers to claims that may likely be dismissed, as well as continued motions to extend responsive pleading deadlines. *See* ECF No. 179-80, 187, 189, 198-99; *Kwil*, ECF No. 102-03, 112, 114, 119-20. Finally, regardless of the responsive pleading deadline, the Parties continue to confer on resolution of discovery disputes, conduct depositions, and schedule depositions. *See* ECF 200 (Joint Status Report).

WHEREFORE, County Defendants respectfully request this Honorable Court to enter an order striking County Defendants' responsive pleading deadline and stay briefing on the pleading responsive to Plaintiff Gecht's and Plaintiff Kwil's remaining claims, while this Court considers its ruling on the motion for good faith settlement finding.

Dated: March 7, 2025

Respectfully submitted,

/s/ Michael J. Czopkiewicz
Attorney for ASA Defendants,
Hon. Michael Hood,
Brendan McGuire

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CERTIFICATE OF SERVICE

I, Michael J. Czopkiewicz, an attorney, hereby certify that I caused the above **County Defendants' Agreed Motion to Strike Their Responsive Pleading Deadline and Stay Briefing On Their Motions to Dismiss Plaintiffs' Remaining Claims**, to be served on all counsel of record via ECF Filing on March 7, 2025.

By: /s/ Michael J. Czopkiewicz

Attorney for Defendants Hood and McGuire